

series airplanes, and Model Avro 146-RJ70A, -RJ85A, and -RJ100A series airplanes; as listed in Avro International Aerospace Service Bulletin S.B. 57-33, Revision 3, dated September 16, 1994; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent fuel leaks and a subsequent fire, accomplish the following:

(a) For airplanes listed in British Aerospace Service Bulletin SB 57-33, dated August 31, 1989; Within 12 months after May 21, 1990 (the effective date of AD 90-08-15, amendment 39-6577), visually inspect for integrity of nuts and tightness of bolts, and/or fuel leaks of the outboard vertical row of fasteners at the left- and right-hand of the rear spar root joint attachment fittings, in accordance with British Aerospace Service Bulletin 57-33, dated August 31, 1989; Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 landings.

(1) If no defects are found, prior to further flight, reinstall the left- and right-hand wing-to-fuselage fairing panels in accordance with the service bulletin.

(2) If any defect is found, prior to further flight, repair suspect and leaking fasteners, in accordance with the service bulletin.

(b) For airplanes listed in Avro International Aerospace Service Bulletin S.B. 57-33, Revision 3, dated September 16, 1994, and not subject to paragraph (a) of this AD: Within 12 months after the effective date of this AD, visually inspect for integrity of nuts and tightness of bolts, and/or fuel leaks of the outboard vertical row of fasteners at the left- and right-hand of the rear spar root joint attachment fittings, in accordance with Avro International Aerospace Service Bulletin S.B. 57-33, Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994. Repeat the inspection thereafter at intervals not to exceed 4,000 landings.

(1) If no defects are found, prior to further flight, reinstall the left- and right-hand wing-to-fuselage fairing panels in accordance with the service bulletin.

(2) If any defect is found, prior to further flight, repair suspect and leaking fasteners in accordance with the service bulletin.

(c) Modification of the rear spar root joint attachment fittings at wing rib 2 in accordance with Avro International Aerospace Service Bulletin S.B. 57-33, Revision 1, dated October 29, 1993; Revision 2, dated February 16, 1994; or Revision 3, dated September 16, 1994; constitutes terminating action for the repetitive visual inspections required by this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions done in accordance with British Aerospace Service Bulletin SB 57-33, dated August 31, 1989, including Appendix A; Avro International Aerospace Service Bulletin S.B. 57-33, Revision 1, dated October 29, 1993; Avro International Aerospace Service Bulletin S.B. 57-33, Revision 2, dated February 16, 1994; or Avro International Aerospace Service Bulletin S.B. 57-33, Revision 3, dated September 16, 1994; as applicable. Revision 3 of Avro International Aerospace Service Bulletin S.B. 57-33 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-3 .....	3	Sept. 16, 1994.
4-6 .....	2	February 16, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington, DC 20041-6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 18, 1995.

Issued in Renton, Washington, on April 5, 1995.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-8825 Filed 4-17-95; 8:45 am]

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## 14 CFR Part 39

[Docket No. 94-SW-06-AD; Amendment 39-9201; AD 95-08-12]

### Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 helicopters, that requires a modification of the latches on the transmission and engine cowling access doors. This amendment is prompted by five occurrences of an engine or transmission cowling access door becoming loose in flight. The actions specified by this AD are intended to prevent the transmission and engine cowling access doors from opening in flight, being struck by the main rotor blade, and subsequently, separating from the helicopter and being ingested by the main rotor or tail rotor system resulting in a loss of control of the helicopter.

**DATES:** Effective May 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1995.

**ADDRESSES:** The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5116, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 helicopters was published in the **Federal Register** on September 13, 1994 (59 FR 46946). That action proposed to require replacing the current latches with those having positive locks, relocating certain latches, and installing additional locks on the transmission and engine cowling access doors within the next 150 hours time-in-service.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter states that some of the language in the AD should be changed. Specifically, the commenter believes that the words "access door becoming loose in flight" and "resulting in loss of control of the helicopter", which were used to describe the unsafe condition, are misleading. According to the commenter, use of proper locking procedures will prevent the doors from becoming loose in flight. Also, there have not been any incidents in which there has been a loss of control of the helicopter. The FAA does not concur. The FAA has determined that the current latches can become worn and loose and subsequently fail, even if properly latched. Thus far, loose cowling doors have only caused damage to main rotor blades. However, the FAA has determined that main rotor blade damage as well as other resultant damage from loose cowling doors could result in loss of control of the helicopter.

After a careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except that the words "cowlings, fire walls, and fuselage" were added to paragraph (a) of the AD to clarify that, in addition to modifying the transmission and engine cowlings, the appropriate mating components also needed to be installed on the cowlings, firewalls, and fuselage. Additionally, the helicopter models were listed to avoid confusion regarding the applicability of the rule. Finally, the FAA has revised the proposed estimated average labor rate from \$55 per work hour to an estimated average labor rate of \$60 per work hour in the preamble portion of this final rule. This revision will increase the estimated total cost of the AD from \$390,474 to \$418,824. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 126 helicopters of U.S. registry will be affected by this AD, that it will take approximately 45 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$624 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$418,824.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**95-08-12 Eurocopter Deutschland GmbH (ECD):** Amendment 39-9201. Docket No. 94-SW-06-AD.

**Applicability:** Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 helicopters, serial numbers 7001 through 7201, certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent the transmission and engine cowling access doors from opening in flight, being struck by the main rotor blade, and subsequently, separating from the helicopter and being ingested by the main rotor or tail rotor system resulting in a loss of control of the helicopter, accomplish the following:

(a) Within the next 150 hours time-in-service, remove the left-hand and right-hand transmission and engine cowlings without removing the transmission and engine cowling access doors that are installed on the transmission and engine cowlings, and modify the access door latches, cowlings, fire walls, and fuselage in accordance with the Work Procedure contained in the Accomplishment Instructions of MBB-Helicopters Alert Service Bulletin ASB-MBB-BK 117-20-104, Revision 1, dated December 8, 1989.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with MBB-Helicopters Alert Service Bulletin ASB-MBB-BK 117-20-104, Revision 1, dated December 8, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 23, 1995.

Issued in Fort Worth, Texas, on April 10, 1995.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 95-9236 Filed 4-17-95; 8:45 am]

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